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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**SIMON S. YUAN,**

**Defendants.**

**Case No. CR-07-0338-JF**

**STIPULATION AND [PROPOSED]  
ORDER RE-SCHEDULING  
SENTENCING HEARING**

IT IS HEREBY STIPULATED between the parties that the defendant's sentencing hearing, currently scheduled for Wednesday, January 16, 2008 at 9:00 a.m. shall be vacated, and subject to the approval of the Court, a new sentencing hearing date of Wednesday, February 6, 2008 at 9:00 a.m. shall be set.

IT IS SO STIPULATED.

JOSEPH P. RUSSONIELLO  
United States Attorney

Dated: January 9, 2008

/s/ Cynthia Stier  
CYNTHIA STIER  
Assistant United States Attorney  
Tax Division

BAKER & MCKENZIE LLP

Dated: January 9, 2008

/s/ Scott H. Frewing  
SCOTT H. FREWING  
Attorneys for Simon Yuan

1 Pursuant to General Order No. 45, Section X(B), Cynthia Stier hereby attests that the  
2 signatory's concurrence in the filing of this document has been obtained.

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4 IT IS SO ORDERED.

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6 Dated:

7 JEREMY FOGEL  
8 UNITED STATES DISTRICT JUDGE  
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